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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the
First Amended Accusation Against:

STEPHEN KOHLEY
1415 Rexford Dr., #302
Los Angeles, Calif. 90035

Physical Therapist Assistant
License Number AT 6368

Respondent.

Case No. 1D 2005 64258

OAH No. 2006 01 0046

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
proceeding that the following matters are true:

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical
Therapy Board of California. He brought this action solely in his official capacity and is
represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
by Klint James McKay, Deputy Attorney General.

2. Stephen Kohley (Respondent) is represented in this proceeding by attorney
Brent Borchert, whose address is 11693 San Vicente Blvd, #914, Los Angeles, California 90049.

3. On or about July 18, 2002, the Physical Therapy Board of California
(Board) issued Physical Therapist Assistant License No. PTA 6368 to Stephen Kohley
(Respondent). The license expired on August 31, 2005, and has not been renewed.

1 **JURISDICTION**

2 4. A First Amended Accusation in Case No. 1D 2005 64258 was filed before
3 the Physical Therapy Board of California, Department of Consumer Affairs on December 20,
4 2006, and is currently pending against Respondent. The initial Accusation and all other
5 statutorily required documents were properly served on Respondent on December 20, 2006.
6 Respondent timely filed his Notice of Defense contesting the initial Accusation. As a condition
7 of the Stipulation, the First Amended Accusation will be filed within ten (10) days of the
8 complete execution of this Stipulation. A copy of the First Amended Accusation in Case No. 1D
9 2005 64258 is attached as Exhibit A and incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, discussed with counsel, and fully
12 understands the charges and allegations set forth in the First Amended Accusation in Case No.
13 1D 2005 64258. Respondent also has carefully read, discussed with counsel, and fully
14 understands the effects of this Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the
16 right to a hearing on the charges and allegations in the First Amended Accusation; the right to be
17 represented by counsel, at his own expense; the right to confront and cross-examine the witnesses
18 against him; the right to present evidence and to testify on his own behalf; the right to the
19 issuance of subpoenas to compel the attendance of witnesses and the production of documents;
20 the right to reconsideration and court review of an adverse decision; and all other rights accorded
21 by the California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
23 each and every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in the
26 First Amended Accusation in Case No. 1D 2005 64258, agrees that cause exists for discipline
27 and hereby surrenders his Physical Therapist Assistant License No. PTA 6368 for the Board's
28 formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physical Therapist Assistant License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Physical Therapy Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board of California may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

COST RECOVERY

11. Respondent shall pay the Board its costs of investigation and enforcement in the amount of Three-Thousand, Fifty-Six dollars (\$3,056.00) on the terms and conditions set forth in Paragraph Six of the Order, herein below.

OTHER MATTERS

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Physical Therapist Assistant License No. PTA 6368, issued to Respondent Stephen Kohley is surrendered and accepted by the Physical Therapy Board of California.

1. The surrender of Respondent's Physical Therapist Assistant License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physical Therapist Assistant in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause his Physical Therapist Assistant pocket license certificate to be delivered to the Board on or before the effective date of the Decision and Order.

4 Respondent understands and agrees that if he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement of licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in the First Amended Accusation in Case No. 1D 2005 64258 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation, No. 1D 2005 64258 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. The Respondent is ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of Three-Thousand Fifty-Six dollars (\$3,056.00) within thirty (30) days of the Decision, the full amount of costs shall be immediately due and payable.

7. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board. If Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of attachment of earned wages legally available to the Board. Failure to fulfill the obligation could also result in attachment to Department of Motor Vehicle registrations and or license renewals.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Brent Borchert. I understand the stipulation and the effect it will have on my Physical Therapist Assistant License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

DATED: July 10, 2007.

Original Signed By:
STEPHEN KOHLEY
Respondent

I have read and fully discussed with Respondent Stephen Kohley the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: July 11, 2007 .

Original Signed By:
BRENT BORCHERT
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: July 18, 2007.

EDMUND G. BROWN JR.,
Attorney General of the State of California

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Original Signed By: _____
KLINT JAMES MCKAY
Deputy Attorney General

Attorneys for Complainant

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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the
First Amended Accusation Against:

STEPHEN KOHLEY
1415 Rexford Dr., #302
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Physical Therapist Assistant License
Number PTA 6368

Respondent.

Case No. 1D 2005 64258

OAH No. 2006 01 0046

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the
Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this
matter.

This Decision shall become effective on October 1, 2007.

It is so ORDERED August 31, 2007.

Original Signed By:
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
Nancy Krueger, PT, President